

62A-3-104. Authority of division.

(1) The division is the sole state agency, as defined by the Older Americans Act of 1965, 42 U.S.C. 3001 et seq., to:

(a) serve as an effective and visible advocate for the aging and adult population of this state;

(b) develop and administer a state plan under the policy direction of the board; and

(c) take primary responsibility for state activities relating to provisions of the Older Americans Act of 1965, as amended.

(2) (a) The division has authority to designate:

(i) planning and service areas for the state; and

(ii) an area agency on aging within each planning and service area to design and implement a comprehensive and coordinated system of services and programs for the aged within appropriations from the Legislature.

(b) Designation as an area agency on aging may be withdrawn:

(i) upon request of the area agency on aging; or

(ii) upon noncompliance with the provisions of the:

(A) Older Americans Act of 1965, 42 U.S.C. 3001 et seq.;

(B) federal regulations enacted under the Older Americans Act of 1965, 42 U.S.C. 3001 et seq.;

(C) provisions of this chapter; or

(D) rules, policies, or procedures established by the division.

(3) (a) The division has the authority to designate:

(i) planning and service areas for the state; and

(ii) subject to Subsection (3)(b), an area agency on high risk adults within each planning and service area to design and implement a comprehensive and coordinated system of case management and programs for high risk adults within appropriations from the Legislature.

(b) For purposes of Subsection (3)(a)(ii), before October 1, 1998, the division shall designate as the area agency on high risk adults in a planning and service area:

(i) the area agency on aging that operates within the same geographic area if that agency requests, before July 1, 1998, to expand that agency's current contract with the division to include the responsibility of:

(A) being the area agency on high risk adults; or

(B) operating the area agency on high risk adults:

(I) through joint cooperation with one or more existing area agencies on aging; and

(II) without reducing geographical coverage in any service area; or

(ii) a public or private nonprofit agency or office if the area agency on aging that operates within the same geographic area has not made a request in accordance with Subsection (3)(b)(i).

(c) (i) Area agencies on high risk adults shall be in operation before July 1, 1999.

(ii) The division's efforts to establish area agencies on high risk adults shall start with counties with a population of more than 150,000 people.

(d) Designation as an area agency on high risk adults may be withdrawn:

- (i) upon request by the area agency; or
- (ii) upon noncompliance with:
 - (A) state law;
 - (B) federal law; or
 - (C) rules, policies, or procedures established by the division.
- (4) (a) The division may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures:
 - (i) seek federal grants, loans, or participation in federal programs; and
 - (ii) receive and distribute state and federal funds for the division's programs and services to the aging and adult populations of the state.
- (b) The division may not disburse public funds to a personal care attendant as payment for personal services rendered to an aged person or high risk adult, except as provided in Section 62A-3-104.3.
- (5) The division has authority to establish, either directly or by contract, programs of advocacy, monitoring, evaluation, technical assistance, and public education to enhance the quality of life for aging and adult citizens of the state.
- (6) In accordance with the rules of the division and Title 63G, Chapter 6a, Utah Procurement Code, the division may contract with:
 - (a) the governing body of an area agency to provide a comprehensive program of services; or
 - (b) public and private entities for special services.
- (7) The division has authority to provide for collection, compilation, and dissemination of information, statistics, and reports relating to issues facing aging and adult citizens.
- (8) The division has authority to prepare and submit reports regarding the operation and administration of the division to the department, the Legislature, and the governor, as requested.
- (9) The division shall:
 - (a) implement and enforce policies established by the board governing all aspects of the division's programs for aging and adult persons in the state;
 - (b) in order to ensure compliance with all applicable state and federal statutes, policies, and procedures, monitor and evaluate programs provided by or under contract with:
 - (i) the division;
 - (ii) area agencies; and
 - (iii) an entity that receives funds from an area agency;
 - (c) examine expenditures of public funds;
 - (d) withhold funds from programs based on contract noncompliance;
 - (e) review and approve plans of area agencies in order to ensure:
 - (i) compliance with division policies; and
 - (ii) a statewide comprehensive program;
 - (f) in order to further programs for aging and adult persons and prevent duplication of services, promote and establish cooperative relationships with:
 - (i) state and federal agencies;
 - (ii) social and health agencies;
 - (iii) education and research organizations; and

- (iv) other related groups;
- (g) advocate for the aging and adult populations;
- (h) promote and conduct research on the problems and needs of aging and adult persons;
- (i) submit recommendations for changes in policies, programs, and funding to the:
 - (i) governor; and
 - (ii) Legislature; and
- (j) (i) accept contributions to and administer the funds contained in the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110; and
- (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to facilitate the administration of the "Out and About" Homebound Transportation Assistance Fund in accordance with Section 62A-3-110.

Amended by Chapter 347, 2012 General Session